

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

UNITED STATES OF AMERICA

v.

GERALD ANDREW DARBY,

Defendant.

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Criminal No. 2:16cr36

**DISCOVERY PROTECTIVE ORDER**

This matter, having come to the Court's attention on the Unopposed Motion Entry of a Discovery Protective Order submitted by the United States of America, and the Court, having considered the motion, and being fully advised in this matter, hereby enters the following PROTECTIVE ORDER:

1. This Protective Order governs all discovery material in any format (written or electronic) that is produced by the government in discovery that includes the content of Website A, sealed court documents, and/or information pertaining to law enforcement investigative techniques used that the government is required to disclose in the above captioned case.
2. The United States will make available copies of such discovery materials, including those filed under seal, to defense counsel to comply with the government's discovery obligations. Possession of copies of these discovery materials is limited to the attorneys of record, and investigators, paralegals, law clerks, expert (Dr. Christopher Soghoian) and assistants for the attorneys of record (hereinafter collectively referred to as members of the defense team).
3. The attorneys of record and members of the defense team may display and review the discovery materials with the defendant. The attorneys of record and members of the defense team acknowledge that providing copies of these discovery materials to the defendant and other

persons is prohibited, and agree not to duplicate or provide copies of discovery materials to the defendant and other persons.

4. The United States Attorney's Office for the Eastern District of Virginia is similarly allowed to display and review the discovery materials to lay witnesses, but is otherwise prohibited from providing copies of the discovery materials to lay witnesses, i.e. non-law enforcement witnesses.

5. Nothing in this order should be construed as imposing any discovery obligations on the government or the defendant that are different from those imposed by case law and/or Rule 16 of the Federal Rules of Criminal Procedure, and the Local Criminal Rules.

6. Any discovery material covered by this Order that is filed with the Court in connection with pre-trial motions, trial, sentencing, or other matter before this Court, shall be filed under seal and shall remain sealed until otherwise ordered by this Court. This does not entitle either party to seal their filings as a matter of course. The parties are required to comply in all respects to the relevant local and federal rules of criminal procedure pertaining to the sealing of court documents.

7. The provisions of this Order shall not terminate at the conclusion of this prosecution.

8. Any violation of any term or condition of this Order by the defendant, the defendant's attorney(s) of record, any member of the defense team, or any attorney for the United States Attorney's Office for the Eastern District of Virginia may be held in contempt of court, and/or may be subject to monetary or other sanctions as deemed appropriate by this Court.

9. Any discovery materials provided pursuant to this Order shall be returned to the United States Attorney's Office, including all copies, within ten days of the completion of the case before the Court or, if an appeal is taken, within ten days of the completion of the case in the

United States Court of Appeals for the Fourth Circuit or Supreme Court of the United States. If the defendant violates any term or condition of this Order, the United States reserves its right to seek a sentencing enhancement for obstruction of justice, or to file any criminal charges relating to the defendant's violation.

DATED this 6 day of July, 2016.

UNITED STATES DISTRICT COURT JUDGE

WE ASK FOR THIS:

DANA J. BOENTE  
UNITED STATES ATTORNEY

/s/ \_\_\_\_\_  
Elizabeth M. Yusi  
Assistant United States Attorney

/s/  
Robert G. Doumar  
Senior United States District Judge